

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES FIRE
INSURANCE COMPANY, a
foreign corporation,

Plaintiff,

v.

Case No.: 2:22-cv-130-SPC-KCD

FINEMARK NATIONAL BANK &
TRUST,

Defendant.

ORDER

This case comes before the Court on sua sponte review. On June 17, 2023, Defendant filed a Motion for Partial Summary Judgment as to Counts I, II, and III of Plaintiff's Third Amended Complaint. (Doc. 59). That same day, Defendant filed a second Motion for Partial Summary Judgment as to Counts IV, V, and VI of Plaintiff's Third Amended Complaint. (Doc. 65).

The Court's Case Management and Scheduling Order explicitly states, "Only one motion for summary judgment may be filed by a party...absent leave of Court."¹ (Doc. 26 at Pg. 4). Further, Defendant's Motions for Summary Judgment were filed well in advance of the mediation and

¹ Recognizing this, Defendant's Motion for Leave to File Separate Motions for Summary Judgment (Doc. 67) is currently pending, although it filed a second Motion for Summary Judgment without waiting for the Court to grant leave.

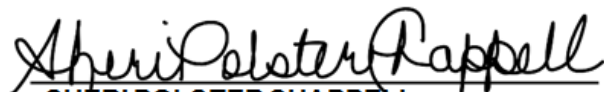
dispositive motion deadlines. The Court wishes to hear from the parties on the status of this case before addressing the issues raised by Defendant's Motions.

Accordingly, it is now

ORDERED:

1. Defendant's Motion for Partial Summary Judgment as to Counts I, II, and III of Plaintiff's Third Amended Complaint (Doc. 59) is **DENIED without prejudice.**
2. Defendant's Motion for Partial Summary Judgment as to Counts IV, V, and VI of Plaintiff's Third Amended Complaint (Doc. 65) is **DENIED without prejudice.**
3. The Court will hold a status conference with the parties over Zoom on July 24, 2023, at 2:15 p.m. Participants will receive instructions for joining the hearing by separate notice.

DONE and ORDERED in Fort Myers, Florida this July 21, 2023.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record